

## **IC 8-6**

### **ARTICLE 6. RAILROAD CROSSINGS**

#### **IC 8-6-1**

##### **Chapter 1. Highway Crossings**

#### **IC 8-6-1-1**

##### **Investigations; numbering of crossings**

Sec. 1. The Indiana department of transportation (referred to as "the department" in this chapter) shall carefully investigate and examine all the highway crossings of railroads in this state and to make or cause to be made files and numbers of the highway crossings, so that the crossings may be known and designated by mileposts or otherwise, and referred to and considered, from time to time, as may be necessary to carry out this chapter.

*(Formerly: Acts 1913, c.182, s.1.) As amended by P.L.62-1984, SEC.93; P.L.384-1987(ss), SEC.56; P.L.18-1990, SEC.70.*

#### **IC 8-6-1-2**

##### **Requisite information; forms; investigation**

Sec. 2. The department shall secure from the several companies owning or operating railroads throughout this state detailed and specific information concerning the highway crossings along their lines, outside the corporate limits of cities and incorporated towns in this state, and, for that purpose, the department shall prepare and submit to each of such companies blank forms indicating the various items of information concerning such highway crossings upon which the department desires to be advised. Such companies shall, within six (6) months after the receipt of such blank forms by them respectively, fill out the same with the complete information requested and return to the department a separate blank form so filled out for each such highway crossing, accompanied by a photograph of each separate crossing so described. The department shall then proceed to examine the conditions of each highway crossing and ascertain which of the same should, under all the circumstances, be separated, and, to that end, the department may employ a civil engineer and such expert assistance as is necessary to make such investigation.

*(Formerly: Acts 1913, c.182, s.2.) As amended by P.L.384-1987(ss), SEC.57.*

#### **IC 8-6-1-3**

##### **Surveys and reports**

Sec. 3. The department may require to be made ocular or instrumental surveys or reports and examinations, as may be deemed expedient, and the department shall carefully examine and consider the files, reports, and surveys of each of said highway crossings in this state, with reference to:

- (1) separation of the grade, the purpose being to separate as rapidly as practicable grade crossings in this state; and

(2) a better location and consolidation of the crossings, the purpose being to have all crossings at right angles if possible.  
*(Formerly: Acts 1913, c.182, s.3.) As amended by P.L.384-1987(ss), SEC.58.*

#### **IC 8-6-1-4**

##### **Hearings on location and construction; orders**

Sec. 4. Whenever the department shall come to the conclusion, whether on account of the topography of the ground at the crossings, or on account of the great number of travelers using any crossing of a highway and railroad, or for any reason deemed by the department to be sufficient, that the grades of such crossing should be separated, and it shall be found practicable to do so, the department shall serve with notice the railroad company or companies, and also serve with notice the board of commissioners of the county or counties in which such highway crossing is located. Said notice shall set out that the department, on the day named, will consider the matter of separation of the grades at such crossing and the department shall have jurisdiction of the parties and the subject matter in said proceedings and shall hear and determine the matter. If satisfied that said crossing is dangerous to life and that safety and the accommodation of the public requires that the grades be separated, and that it is practicable to separate said grades, the department may so order. The department shall, in said order, prescribe the manner in which such separation shall be accomplished. The cost of such separation shall be borne one-fourth (1/4) by the county and counties in which such grade is separated and three-fourths (3/4) by the railroad company or companies, and whenever the department may order any such grades separated, it may, if it shall deem it best, relocate or consolidate highway crossings over railroads, street railroads, interurban street railroads, or suburban street railroads in this state, and may relocate or consolidate highways leading to any such crossing. If any of the parties to such proceeding fail or refuse to obey the orders of the department, the department may proceed, in any circuit or superior court of any one (1) of the counties in which said highway crossing may be located, to enforce its orders. The provisions of this section shall not apply to cities of over twenty thousand (20,000) population.  
*(Formerly: Acts 1913, c.182, s.4; Acts 1915, c.75, s.1.) As amended by P.L.62-1984, SEC.94; P.L.384-1987(ss), SEC.59; P.L.81-1996, SEC.1.*

#### **IC 8-6-1-5 Repealed**

*(Repealed by P.L.384-1987(ss), SEC.95.)*

#### **IC 8-6-1-6**

##### **Maximum or ruling grade; exceeding**

Sec. 6. In any case of grade separation under the provisions of this chapter, no plan shall be adopted by the department or order made requiring a grade of any railroad track that shall exceed the established maximum or ruling grade governing the operation of that

division or part of the railroad on which separation of grades is to be made without the consent of the company operating said railroad; nor shall the track or tracks of the companies concerned be required to be placed below high-water mark at the point where such change is made.

*(Formerly: Acts 1913, c.182, s.6.) As amended by P.L.62-1984, SEC.96; P.L.384-1987(ss), SEC.60.*

#### **IC 8-6-1-7**

##### **Relocation or consolidation of crossings; hearing on establishment or extension of highway at grade over railroad; construction of new railroad**

Sec. 7. (a) Whenever the department finds it best to relocate or to consolidate highway crossings over railroads in this state, it has jurisdiction for that purpose, and may serve the board of county commissioners and the railroad companies with notice, and shall proceed to hear and determine said matters, and thereupon make such orders as, in the opinion of the department, are necessary to make the said relocation or consolidation effective. Such orders shall be binding upon the parties so served with the notice, and if not observed by them within the time prescribed in said orders, the department shall proceed as provided in section 4 of this chapter to enforce such orders.

(b) Whenever it shall be desired to establish or extend a highway at grade over any railroad in this state, it shall be necessary, before establishing or extending the highway, that the petitioners shall, by a procedure to be prescribed by the department, petition to obtain the authority of the department under IC 8-6-7.7-3.4. The grant or refusal of authority therefor by the department shall be final and conclusive except as provided in this chapter.

(c) Whenever it shall be desired by any railroad company to construct a new railroad at grade over any public highway or highways in this state, it shall be necessary for a company, by a procedure to be prescribed by the department, to petition to obtain the authority of the department under IC 8-6-7.7-3.4, but it shall not be necessary to obtain such authority when such new railroad has secured its rights of way or is under construction. The grant or refusal of such authority shall be final and conclusive, except as provided in this chapter. Nothing herein shall prevent the department from subsequently altering or rescinding any grant or refusal of authority to construct such highway or railway, if, in its discretion, such alteration should be made.

*(Formerly: Acts 1913, c.182, s.7.) As amended by P.L.62-1984, SEC.97; P.L.384-1987(ss), SEC.61; P.L.81-1996, SEC.2.*

#### **IC 8-6-1-8**

##### **Number of crossings; determination**

Sec. 8. In determining the number of grade crossings the separation of which may be required under the provisions of this chapter, the railroad companies, street railroad, interurban street

railroad, or suburban street railroad companies operating the lines of railway shall alone be considered, whether such lines are operated under the ownership of such companies or by lease, operating contract or otherwise. The number of miles so operated shall be determined by the length of the occupied main track right of way, regardless of the number of tracks operated thereon.

*(Formerly: Acts 1913, c.182, s.8.) As amended by P.L.62-1984, SEC.98.*

#### **IC 8-6-1-9**

##### **Consent to construction**

Sec. 9. No railroad shall construct a railroad across a public highway at grade outside of the limits of any city or town without obtaining the written consent of the department required by section 7 of this chapter and by IC 8-6-7.7-3.4.

*(Formerly: Acts 1913, c.182, s.10.) As amended by P.L.384-1987(ss), SEC.62; P.L.81-1996, SEC.3.*